

Relative ineffectiveness of legal act

The purpose of this thesis is to analyze the relative ineffectiveness as a special institute of private law. The Act No. 89/2012 Sb., the Civil code, is using a new term „relative ineffectiveness“ instead of „objectionability“, which was used by the Act No. 40/1964 Sb., the Civil code. The relative ineffectiveness of legal act serves as a protection for creditors from being unlawfully shorted on their rights by their debtors. The aim of this thesis is to explain a practical side and an importance of this institute.

The thesis is composed of four chapters which are divided into subchapters. The core of the thesis lies in chapters 3 and 4.

The first chapter of this thesis deals with the general term of legal acts and its elements which are fundamental for the existence, validity and effectiveness of legal acts. In this first chapter the author explains the main requirements of legal acts. In case some of the requirements are missing, the civil code states a possible sanctions – an absolute and relative invalidity of legal act. The explanation of these sanctions is significant for their mutual differentiation and also for the follow-up analysis of the institute of relative ineffectiveness.

The second chapter of this thesis deals with the whole history of the relative ineffectiveness since the Roman law until the present regulation.

The third chapter describes in details the main topic of this thesis—the institute of relative ineffectiveness. It deals with the new wider regulation of this institute. It describes the active and passive legitimacy, elements of the debtor's acts, time limits which are given for taking an action and the new creditor's rights.

The last chapter provides the further information about the institute of relative ineffectiveness. It contains extra informations about the institute, which are mostly resulting from the case law of the Highest Court of the Czech Republic.